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7
8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 BAY AREA PAINTERS AND TAPERS
PENSION TRUST FUND, et al.,

11 Plaintiffs,

12 v.

13 RIVER VIEW CONSTRUCTION INC., a
14 California Corporation, and GREGORY
GORESHNIK, an individual,

15 Defendants.
16

Case No.: C11-0779 CW

**PLAINTIFFS' REQUEST TO CONTINUE
CASE MANAGEMENT CONFERENCE
and ORDER THEREON;**

**and CASE MANAGEMENT
CONFERENCE STATEMENT**

Date: May 31, 2011

Time: 2:00 p.m.

Ctrm: 2, 4th Floor

Judge: The Honorable Claudia Wilken

17
18 Plaintiffs herein respectfully submit their Case Management Conference statement and
19 request that the Case Management Conference, currently on calendar for May 31, 2011, be
20 continued for approximately 60-90 days.

21 1. As the Court's records will reflect, this action was filed on February 22, 2011 to
22 compel Defendants' compliance with their Collective Bargaining Agreement. Service on
23 Defendants was effectuated on February 25, 2011. A Proof of Service of Summons was filed with
24 the Court on March 3, 2011. Defendants have failed to Answer or otherwise appear in this action
25 to date.

26 2. Defendants contacted Plaintiff's counsel and have thus far been cooperative in
27 working with Plaintiffs to satisfy the amounts owed. To date, Plaintiffs have recovered the
28 majority of contributions due, and Defendants have advised that the remaining amounts due for

1 contributions will be paid by the end of this month. Plaintiffs are currently calculating the
 2 additional amounts owed for liquidated damages and interest, and will advise Defendant of the
 3 amount owed shortly.

4 3. Plaintiffs anticipate settlement of this matter in the near future.

5 4. Accordingly, Plaintiffs respectfully request that the Case Management Conference,
 6 currently scheduled for May 31, 2011, be continued for 60-90 days to allow Defendants to pay the
 7 remaining amounts owed. If discussions between the parties are unsuccessful in resolving this
 8 matter, Plaintiffs anticipate filing a Request for Default Entry followed by a Motion for Default
 9 Judgment (or Motion for Summary Judgment should Defendant file an Answer). If resolved,
 10 Plaintiffs will dismiss this action upon verification of bank clearance of Defendants' final
 11 payment.

12 5. There are no issues that need to be addressed by the parties at the currently
 13 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
 14 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled
 15 Case Management Conference.

16 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
 17 entitled action, and that the foregoing is true of my own knowledge.

18 Executed this 24th day of May 2011, at San Francisco, California.

19 SALTZMAN & JOHNSON
 20 LAW CORPORATION

21 By: _____/S/
 22 Blake R. Williams
 23 Attorneys for Plaintiffs

24 IT IS SO ORDERED.

25 The currently set Case Management Conference is hereby continued to
 26 August 30, 2011 at 2:00 p.m.. All related deadlines are continued
 accordingly.

27 Date: 5/25/2011

28 
 THE HONORABLE CLAUDIA WILKEN
 UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

I, the undersigned, declare:

1. I am a citizen of the United States and am employed in the County of San Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

2. I am over the age of eighteen and not a party to this action.

3. On **May 24, 2011**, I served the following document(s):

**PLAINTIFFS' REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;
and [PROPOSED] ORDER THEREON; and CASE MANAGEMENT CONFERENCE
STATEMENT**

on the interested parties in said action by enclosing a true and exact copy of each document in a sealed envelope and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelopes were addressed and sent via First Class U.S. Mail as follows:

**River View Construction, Inc.
4003 Seaport Blvd.
West Sacramento, CA 95691**

**Gregory Goreshnik
4003 Seaport Blvd.
West Sacramento, CA 95691**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **May 24, 2011**, at San Francisco, California.

_____/S/
Elise Thurman
Paralegal